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REMARKS

Claims 1-20 are pending and have been rejected. Claim 4 has been amended to recite that the person to whom the message is provided is also depicted in the first data file which is to be personalized. Support for the amendment appears, e.g., in paragraphs 0020 and 0027. The specification has also been amended to include the serial number of the co-pending application incorporated by reference in paragraph 0031. Accordingly, claims 1-20 are presented for further consideration.

Claims 1-20 stand rejected under 35 USC 102(b) as allegedly anticipated by Parker et al. ("Parker"). The PTO urges that Parker identically discloses each element of the present claims, which are directed to methods and systems for producing personalized data files, such as celebrity-autographed photographic files, or video or audio files autographed by or personally performed for a user. However, as shall be shown, Parker does not so disclose each and every limitation of the present claims.

Parker discloses and claims "a method and system for creating and producing customized greeting cards over a wide area wired or wireless network, in particular the Internet " (paragraph 0001). Parker accomplishes this by providing a database of categorized expressions, a database of categorized images, a selection process that enables a user to create a reduced database of expressions and images of interest, means for the user to identify a particular expression and particular image to create a customized greeting card, an arrangement for associating the expression and image so selected with a related sale or promotion, and arrangements for printing and delivery of the card so produced to a recipient (paragraph 0011). In the Parker system, generally it is the user who combines the expression and image, and in certain instances edits the expression (paragraph 0060). The selected combination is then further combined with an advertisement, which may be chosen for the user based on pre-determined criteria (paragraph 0066). The cards are then ready for delivery to potential customers of the user.

The present claims, in contrast, are directed to a method or system for producing a personalized data file, such as an autographed photographic file or a personalized video or audio recording (see, e.g., paragraphs 0004, 0023, 0028, etc.). With respect to claim 1, Parker does not appear to teach *personal* preparation of a message by the *person*, e.g., the celebrity, *who receives the message*. The citations from Parker at most indicate that a customer can select a greeting and then edit that greeting for inclusion in a greeting card. Thus, Parker does not anticipate present claim 1.

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Claim 2 further recites that the message to the person is provided over a network. The disclosure cited by the PTO, however, does not remedy the deficiency of the Parker reference previously mentioned, i.e., does not teach providing the message to the person who personally prepares it for combination with the first data file. Parker thus fails to anticipate present claim 2. The same deficiency in the Parker reference results in failure of the cited reference to anticipate present claim 3.

As to present claim 4, Parker nowhere discloses the use of an image of the person to whom the message is provided. Present claim 4, and claims 5-8 dependent thereon, recite that the first data file comprises at least one image of the person to whom the message is provided. Thus, none of these claims can be considered anticipated by Parker.

With respect to claim 9, as set forth with respect to claim 1, Parker fails to teach that the message is prepared by the person to whom the message was provided. Claim 9 is therefore not anticipated by Parker for this reason as well.

Present claims 10 and 11 recite that a script is provided to the person (claim 10) and that this script is read by the person and recorded to produce an audio file, which is subsequently combined with the first data file. Parker is completely silent concerning the provision of a script to the person who prepares the message, still less concerning the actual performance of that script by the person and the recording of that performance for combination with a data file. The citation from Parker at most teaches that "audio or video files" can be "associated" with a "particular expression," without providing any instruction to specifically prepare an audio file in response to receiving a message. This by no means constitutes a disclosure of a script or an audio file as recited in claims 10 and 11. Claims 10 and 11 therefore cannot be considered anticipated by Parker.

With respect to claim 12, again as set forth with respect to claim 1, Parker fails to teach that the message is prepared by the person to whom the message was provided. Parker therefore does not anticipate claim 12 for this reason as well.

Claims 13 and 14 recite provision of a script to at least one person present at a site on a network, and recording of a performance of that script by the at least one person. Parker's teaching to "associate" an audio or video file with a "particular expression" clearly does not constitute a teaching to provide a script which is performed by one or more persons present at a site on a network, nor to record such a performance. The citation from Parker no more discloses the subject matter of claims 13 and 14 than it does the subject matter of claims 10 and 11, as discussed above.

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Any assertion that Parker's "association" teaching anticipates claims 13 and 14 must therefore be viewed as, at best, being informed impermissibly by hindsight.

Claim 15 recites that the performance is subject to a record-keeping requirement, and that information pertaining to the performance in accordance with the requirement is combined with the recorded performance. An example of such a record-keeping requirement is set forth in 18 USC 2257, which regulates sexually explicit content. Nothing disclosed by Parker is even remotely pertinent to record-keeping requirements of any kind. The "association" teaching of Parker by no means constitutes a disclosure of any kind of record-keeping requirement, nor does Parker even contemplate compliance with such a requirement. Parker therefore fails to anticipate claim 15.

For the reasons set forth above with respect to claims 13 and 14, Parker also fails to anticipate claim 16, dependent thereon.

Since Parker fails to anticipate claims 1 and 13, the cited reference also fails to anticipate claims 17 and 18, as well as claim 19, dependent on claims 1 and 13, respectively.

Finally, the system of present claim 20 again specifies that the message is provided to a person at the site on the network, and that this person prepares the message, using the recited means. Parker fails to disclose means for providing a message to a person at the site, or means for enabling that person to prepare the message. Parker therefore fails to anticipate claim 20.

Since Parker must fail as a Section 102 anticipatory reference, withdrawal of the rejections based thereon is respectfully urged.

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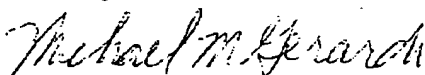
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In view of the amendments to the claims and the foregoing remarks, it is submitted that all present claims are in condition for allowance. Should the Examiner have any questions, he is invited to contact the undersigned at the telephone number indicated.

Respectfully submitted,

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